

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of this Amendment, Claims 1-10 are canceled, and new independent Claim 21 is presented for consideration. Thus, Claims 11-21 are currently pending. Claims 11, 15, 19 and 21 are the only independent claims.

As discussed in earlier responses, the subject matter of this application pertains to a form-and-seal unit for a machine that packages pourable food products. The form-and-seal unit at issue here makes it possible to select forming flaps from a number of different types of forming flaps that differ in size for producing packages of different types/sizes, without the need to change the fixed cams to accommodate an appropriately controlled movement of the forming flaps of different sizes. This is achieved by outfitting each of the fixed cams 25 with a first pair of work profiles 87 and a second pair of work profiles 37. The two pairs of work profiles 37, 38 are selectively engageable by the cam followers 30 provided on the different types of forming flaps. More specifically, the first pair of work profiles 38 on each cam 25 is engaged by the cam followers on the two forming flaps of one type, and the second pair of work profiles 37 on each cam 25 is engaged by the cam followers on the two forming flaps of a different type. The movement of the respective forming flaps is controlled by the fixed cams having the different work profiles that are selectively engageable by the cam followers of the different forming flaps. In this way, it is possible to vary the volume of packages being produced by changing the forming flaps which are differently configured for the specific type of package being produced.

Claim 11 defines that the form-and-seal unit comprises, in combination with other features, two forming assemblies movable along spaced apart guides, with each forming assembly comprising a pair of jaws having sealing means for sealing the tube of packaging material. A forming flap is carried by each jaw, and the forming flaps are movable between the withdrawn position and the forward position. The forming flaps carry cam-followers which engage work profiles on a fixed cam. The work profiles on the fixed cam comprise a first pair of work profiles and a second pair of work profiles. As claimed, the first pair of work profiles is engageable by the cam followers of two forming flaps of a first type, and the second pair of work profiles is engageable by the cam followers of two forming flaps of a second type.

The Official Action addresses independent Claims 11, 15 and 19 by referencing the disclosure in U.S. Patent No. 6,038,838 to *Fontanazzi*. This reference discloses a packaging unit for producing sealed packages. The unit includes a feed jaw 12 and a counter jaw 13 that interact with a tube 14 of packaging material. Each of the jaws 12, 13 includes a cam follower 42. The cam follower 42 on one of the jaws 12 engages a cam 44 on the wall 6, while the cam follower 42 on the other jaw 13 engages a cam 44 on another wall 7. The jaws 12, 13 thus move in the manner illustrated beginning in Fig. 5 and extending to Fig. 9 by virtue of the cam follower 42 of each jaw 12, 13 moving along the cam 44.

A careful reading of the disclosure in *Fontanazzi* reveals that *Fontanazzi* does not disclose configuring the disclosed unit to be usable with forming flaps of different types without the need for changing the fixed cam to accommodate and appropriately control the movement of the differently sized forming flaps. More specifically, *Fontanazzi* lacks disclosure of a fixed cam having two pairs of work

profiles engageable by cam followers of two sets of differently sized forming flaps. That is, the reference is not concerned with a construction allowing forming flaps of different size to be interchanged as desired, without the need for changing the fixed cam.

However, the Official Action takes the position that the packaging unit disclosed in *Fontanazzi* includes features which can be interpreted to correspond to features recited in independent Claim 11, as well as independent Claims 15 and 19. That position is respectfully traversed for at least the following reasons.

The Official Action states that the portion 50a, 50b, 51a, 51b shown in Fig. 2 and Figs. 5-9 of *Fontanazzi* constitute first and second pairs of work profiles. However, that interpretation is not consistent with the Claim 11 language.

The language in Claim 11 recites that the first pair of work profiles is engageable by the cam followers of two forming flaps, and that the second pair of work profiles are engageable by the cam followers of two forming flaps of a second type.

To illustrate by way of example, referring to Fig. 3 of the present application, the fixed cam 35 includes a first pair of work profiles 38, 38, and a second pair of work profiles 37, 37. One of the work profiles 38 of the first pair is engaged by the cam follower of one forming flap, while the other work profile 38 of the first pair is engaged by the cam follower of another forming flap. This is not the case with the unit disclosed in *Fontanazzi*. Indeed, the portion 50a, 50b, 51a, 51b in *Fontanazzi* are engaged by the cam follower 42 of a single jaw or forming flap 12 or 13.

In the event the Examiner has a different view of the disclosure in *Fontanazzi*, the Examiner is asked to provide an appropriate explanation allowing the Examiner's position to be understood.

It is respectfully submitted that the rejection of independent Claim 11 based on the disclosure in *Fontanazzi* is not appropriate and should be withdrawn.

Independent Claim 15 also defines that the form-and-seal unit comprises a fixed cam, wherein the fixed cam is provided with the first pair of work profiles and the second pair of work profiles which differ in size from one another. Claim 15 further recites that the work profiles of the first pair are engageable by the cam followers of two forming flaps of a first type to control the approach movement of the two forming flaps of the first type towards the tube, and also recites that the work profiles of the second pair are engageable by the cam followers of two forming flaps of a second type which differ in size relative to the forming flaps of the first type.

Claim 19 recites, *inter alia*, that each fixed cam comprises a plate possessing a first pair of work profiles engageable by the cam followers of two forming flaps of a first type to control approach movement of the two forming flaps of the first type towards the tube and a different second pair of work profiles engageable by the cam followers of two forming flaps of a second type different from the forming flaps of the first type to control the approach movement of the two forming flaps of the second type towards the tube.

As explained above in connection with the discussion of Claim 11, the portions 50a, 50b, 51a, 51b illustrated in *Fontanazzi* which are said to correspond to the claimed first and second pairs of work profiles on one of the cams are not engageable by the cam followers of two forming flaps to control approach movement

of the two forming flaps as claimed. Rather, the portions 50a, 50b, 51a, 51b of one of the cams is engaged by the cam follower of a single forming flap or jaw. It is thus respectfully submitted that independent claims 15 and 19 are also allowable.

New independent Claim 21 defines that the form-and-seal unit comprises, in combination with the other features, two fixed cams each formed as a flat plate and spaced apart from one another, and each comprising a first pair of work profiles and a second pair of work profiles which differ in size from one another. The claims goes on to define that the first pair of work profiles of each fixed cam is engageable by one of the cam follower rollers of one of the forming flaps of a first type and one of the cam follower rollers of an other of the forming flaps of the first type to control approach movement of the one forming flap and the other forming flap of the first type towards the tube. In addition, the second pair of work profiles of each fixed cam is engageable by one of the cam follower rollers of one of the forming flaps of a second type and one of the cam follower rollers of an other of the forming flaps of the second type, which differ in size relative to the forming flaps of the first type, to control approach movement of the two forming flaps of the second type towards the tube.

This configuration and arrangement of the two fixed cams, and the interaction with cam follower rollers in the manner set forth in Claim 21 is not disclosed in *Fontanazzi*. Accordingly, Claim 21 is also allowable.

Early and favorable action with respect to this application is respectfully requested.

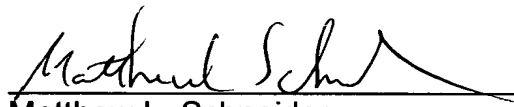
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 23, 2008

By:

A handwritten signature in black ink, appearing to read "Matthew L. Schneider", is written over a horizontal line.

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